

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Seattle
FILE NUMBER: 200600326

REGULATORY PROJECT MANAGER: Randel Perry **Date:** 10/24/06

PROJECT REVIEW/DETERMINATION COMPLETED: In the office _Y_ (Y/N) **Date:** 11/13/06
 At the project site _Y_ (Y/N) **Date:** 7/28/06

PROJECT LOCATION INFORMATION:

State: Washington
 County: Whatcom
 Center coordinates of site by latitude & longitudinal coordinates: Lat 48° 47' 31" Long. 122° 31' 15"
 Approximate size of site/property (including uplands & in acres): 2.5 acres
 Name of waterway or watershed: Bear Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _ Or Approved X_.

ADDITIONAL INFORMATION SUPPORTING NJD: The 2.5-acre subject site is located on Pacific Highway at the northwest portion of Bellingham is rectangular in shape, trending east-west. The eastern 3/4 of the site consists of a forested area; the western 1/4 of the site contains open grassy areas and remnants of previous structures. Drainage through the site generally trends from west to east. The site is bounded by a residential property to the north, Pacific Highway to the west, and undeveloped, forested lots to the east and south. A road side drainage ditch exists along the western edge of the site. The immediate vicinity around the site is moderately developed for residential and agricultural uses. Wetlands A and F are surrounded by uplands with no observable discreet surface water conveyance connecting it to other waters of the U. S. Wetlands A and F are not jurisdictional.

The wetlands labeled B/C, D, and G are adjacent to unnamed tributary (seasonal stream) of Bear Creek, which flows into Silver Creek, a tributary of Bellingham Bay, a tidal waterbody used for interstate and foreign commerce. Wetland E is adjacent to an unnamed tributary system (roadside ditches) that flows north then east to Bear Creek. Wetlands B/C, D, E, and G are jurisdictional.